

Docket No.: BRXIOUS-11
Appl. No.: 10/816,797

REMARKS

The last Office Action of May 13, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-20 are pending in the application. Claims 1 and 14 have been amended. No claims have been canceled or added. No amendment to the specification has been made. No fee is due.

Claims 1-12 and 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,595,349 to MacSwan in view of U.S. Pat. No. 4,200,178 to Gunti.

It is noted with appreciation that claims 13 and 19 are indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, applicant wishes to defer amendments to these dependent claims in view of the arguments presented below regarding amended claims 1 and 14.

Applicant has amended claims 1 and 4 clearly set forth that the corner transfer unit is so constructed that the containers are picked up and advanced in a transport plane which coincides with the transport plane of the infeed conveyor. In other word, the advancing containers remain in their alignment when they are transferred from the infeed conveyor to the corner transfer unit and thus are neither lifted or lowered. This is clearly shown in Fig. 4b of the instant specification. It is the interaction between the thickened area and the support

Docket No.: BRXIOUS-11
Appl. No.: 10/818,797

element which allows this novel and inventive approach of container transfer. More specifically, the support element lags the thickened area in entering the spacing between the transport planes of the infeed conveyor and the transfer conveyor so that the support element supports the trailing end of the container to maintain the container in the transport plane of the infeed conveyor and thereby prevent a tilting of the container.

The MacSwan reference describes a transport system by which the articles are lifted by rollers (21) to a transport plane above the transport plane of the infeed conveyor. This is clearly shown by a comparison of Figs. 2 and 3 in MacSwan. The same is true for the transfer conveyor system according to the Gunti reference. Please note Figs. 3 and 4 in Gunti. In other words, the articles in Gunti are elevated by lifting elements (40) for realizing a transfer of articles from one conveyor to another conveyor.

For the reasons set forth above, it is applicant's contention that neither MacSwan nor Gunti, nor a combination thereof teaches or suggests the features of the present invention, as recited in claims 1 and 14.

As for the rejection of the retained dependent claims, these claims depend on claims 1 and 14, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

Docket No.: BRXIUS-11
Appl. No.: 10/816,797

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: August 15, 2005
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF:af